

Congress of the United States

Washington, DC 20515

May 19, 2000

The Honorable Daniel R. Glickman
Secretary
U.S. Department of Agriculture
14th Street and Independence Avenue, S.W.
Washington, D.C. 20250

Dear Mr. Secretary:

We are writing to express our concern about a proposed regulation (Organic Proposal; Docket No. TMD-00-02-PR2) published by the Agricultural Marketing Service (AMS) on March 13, 2000.

If adopted in its present form, this regulation would prohibit vintners producing wine from organically grown grapes from simply stating on the label that the wine is "made with organically grown grapes." As a result, the proposed rule would significantly harm grape growers, vintners, and the many American consumers who have come to enjoy fine wines of organic origin.

As with so many areas of organic farming, the growing of organic grapes has become a burgeoning business with obvious environmental benefits. Current Federal organic handling regulations allow for the classification of wine in the organic category.

Most such wines are produced with organic grapes and contain sulfites, a non-organic ingredient added to virtually all table wines in order to prevent spoilage. The addition of sulfites is common practice among winemakers and it is generally accepted that they are necessary to preserve product quality. (It is important to note that the Bureau of Alcohol Tobacco and Firearms (ATF) already mandates that wines containing sulfites be labeled accordingly). Existing Federal regulations, endorsed by the National Organic Standards Board (NOSB), permit these wines to bear the label statement "*made with organically grown grapes.*"

We believe that the current law authorizing these wines has permitted organic growers and organic vintners to inform and meet the needs of their consumers. Unfortunately, the proposed rule would effectively prohibit these wines. This is poor public policy and the rule must be revised because:

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1. It would effectively censor truthful commercial speech, thus raising serious First Amendment concerns;
2. It ignores the realities of the winemaking process – that sulfites are a necessary ingredient to preserve product quality in most wines.
3. It ignores the desires of American consumers, including many of our constituents, who have come to enjoy fine wines made from organic grapes;
4. It ignores the expertise and established policy of the NOSB, the Advisory Board charged with overseeing the implementation of Federal organic standards policy; and
5. It ignores the Federal policy established in the Organic Foods Production Act (OFPA) of encouraging responsible organic farming. The business of organic grape growing, and the resulting substantial economic investment, could be decimated if this regulation goes into effect.

In addition to the policy concerns mentioned above, the rule should be revised because:

1. There is no question that the ingredient in question (grapes) is grown organically;
2. The product as a whole (wine produced from organic grapes) meets the OFPA's certification and handling requirements in all respects except the necessary addition of sulfites; and
3. A conspicuous label required by ATF already informs consumers that the product contains sulfites. And, as such, consumers are easily able to distinguish "organic wine" from wine "made with organically grown grapes."

Section 6505(c) of the OFPA gives you the discretionary authority to permit an organic ingredient claim on the principal display panel of a product containing at least 50 percent organic ingredients. In this case, the percentage of organically grown grapes to the added non-organic ingredients (i.e., sulfites) is nearly 100%.

In addition, the proposed rule § 205.301, allows processors to use sulfites as processing aids under certain circumstances: when the final product is labeled "made with organic (specified ingredients)," the organic ingredients are processed and handled in accordance with subpart C, and the products are not labeled "100% organic." For wines "made with organically grown grapes" these conditions are indeed met.

It should not be difficult, or inconsistent with the remainder of the proposed rule, to craft an acceptable rule revision, following the recommendation of the NOSB, to allow the use of sulfur dioxide in the production of wine labeled as "made with organically grown grapes."

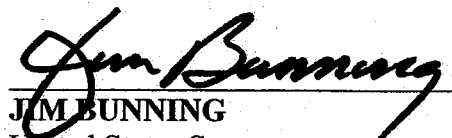
For the reasons set forth above, we respectfully request that you revise the proposed rule to allow the production of wines "made with organically grown grapes."

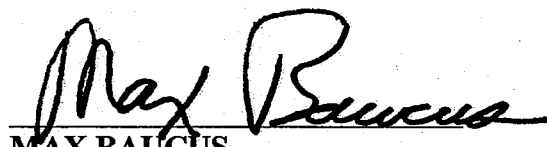
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Thank you for your consideration. We look forward to your response and working with you to resolve this important matter.

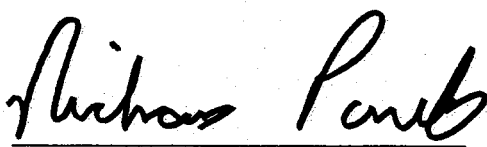
Sincerely,

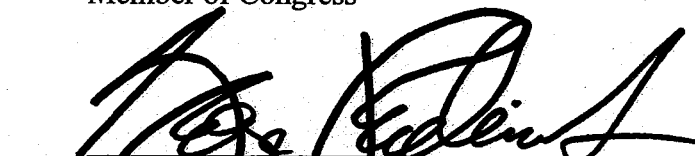

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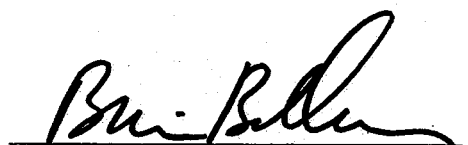

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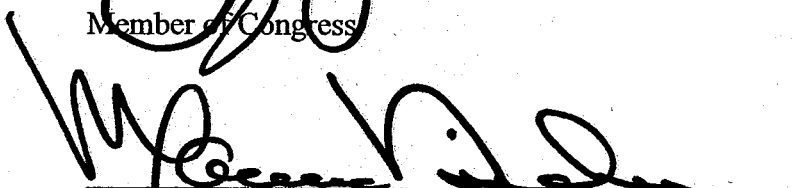

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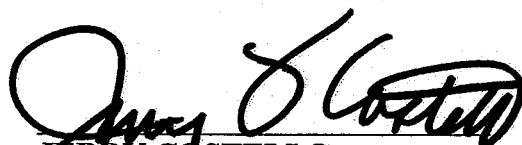

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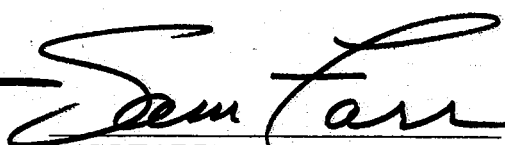

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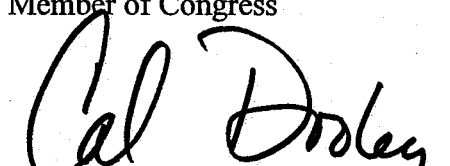

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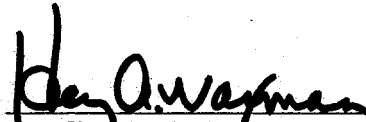

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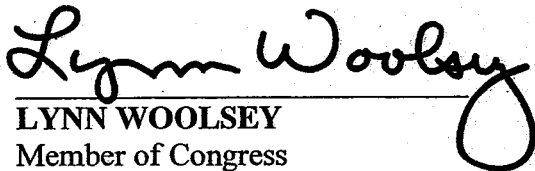
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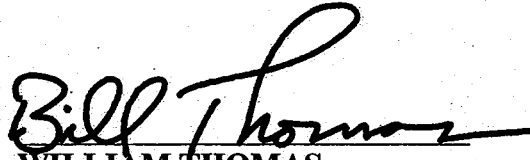
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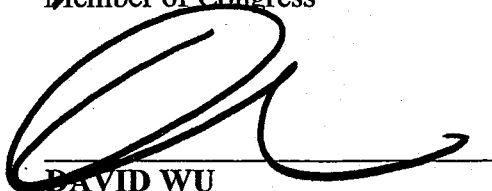
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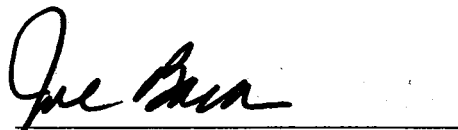
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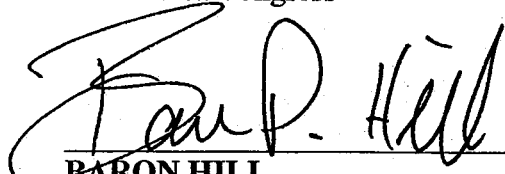
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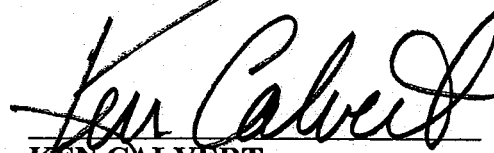

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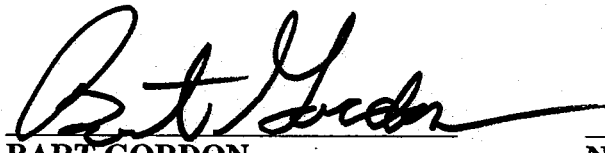

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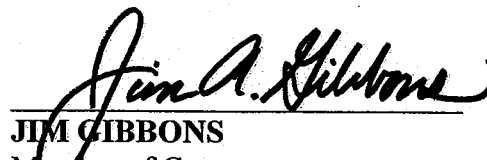

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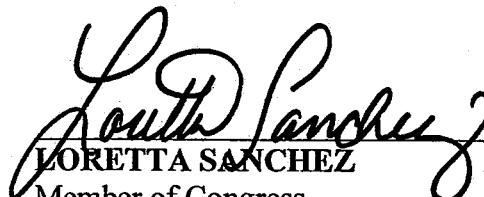

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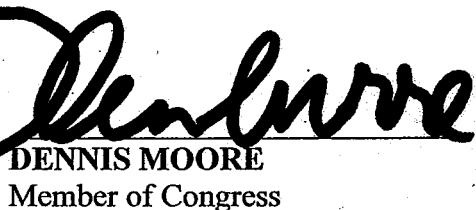

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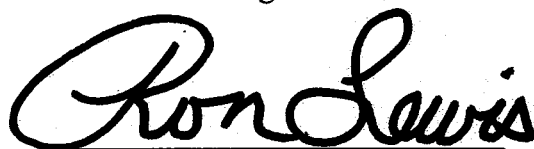
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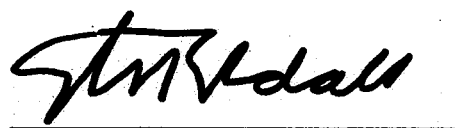
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